

THE MOUNTAINEER.

"DO WHAT IS RIGHT, LET THE CONSEQUENCE FOLLOW."

NO. 8.

GREAT SALT LAKE CITY, SATURDAY, NOVEMBER 24, 1860.

VOL. II.

THE MOUNTAINEER

EVERY SATURDAY.

OFFICE:—North West Room of COURSE,
BETWEEN 2d and 3d Streets.

JAMES FERGUSON,
EDITOR AND PROPRIETOR.

TERMS: \$5 per Annum in Advance.

ADVERTISING.

(For Rates, or full, consults our Agents.)

Advertisements must be made for the payment of
all advertisements previous to insertion.

Poetry.

ASKED THE FROW.

For the ship that withered sail,
But which longest holds her way
Onward, onward, never fail,
Warm and calm, to win the day;
Behest the frow, the frow,
Within the harbor's quiet bay,
O'er life's ocean, wide and pathless,
Thus would I with patience steer,
No vain hope of journeying sail,
No proud boast to face down fear,
Dark or bright his Providence,
That in God be my defense.
Time there was—'tis no longer—
When I crowded every sail,
Battled with the waves, and stronger
Grew, as stronger grew the gale;
But my strength sunk with the wind,
And the sea lay dead behind.
There my bark had founder'd surely,
But a power inviolable
Directed upon me—then securely,
Beneath the gradual swell,
Helm, and anchor, and heart renew'd;
My humble course pursued.
Now, though evening shadows blacken,
And no star comes through the gloom,
On I move, nor will I slacken
Sail, though verging towards the tomb;
Bright beyond—on heaven's high strand,
Is the light-house—land, land, land!
Cloud and squall, wind and weather,
Heaven and night are fleeing fast;
Time and this must fall to pieces,
Life and death will soon be past;
But where day's last spark declines,
Glowing everlasting shines.

Selections.

A CASE OF CIRCUMSTANTIAL EVIDENCE.

The following case of circumstantial evidence is given in the *Gentleman's Magazine* for 1763.

"In the reign of Queen Elizabeth, a person was arraigned before Sir James Dyer, Lord Chief Justice of the Court of Common Pleas, upon an indictment for the murder of a man, who dwelt in the same parish with the prisoner. The first witness against him deposed, that on a certain day mentioned by the witness, in the morning, as he was going through a close, which he particularly described, at some distance from the path, he saw a person lying in a condition that denoted him to be either dead or drunk; that he went to the party, and found him actually dead, two wounds appearing on his breast, and his shirt and clothes much stained with blood; that the wounds appeared to the witness to have been given by the puncture of a fork or some such instrument, and looking about he discovered a fork lying near the corpse, which he took up, and observed it to be marked with the initials letters of the prisoner's name; the witness at the same time produced the fork in court, which the prisoner owned to be his, and waived asking the witness any questions.

"A second witness deposed, that, on the morning of the day on which the deceased was killed, the witness had risen early with an intention to go to a neighboring market town, which he named; that as he was standing in the entry of his own dwelling house, the street door being open, he saw the prisoner come by, dressed in a suit of clothes, the color and fashion of which the witness described; that he (the witness) was prevented from going to market, and that afterwards the first witness brought notice to the town of the death and wounds of the deceased, and of the prisoner's fork being found near the corpse; that upon this report the prisoner was apprehended, and carried before a justice of the peace, who he named and pointed at, he being then present in court; that he (the witness) followed the prisoner to the justice's house, and attended his examination, during which he observed the exchange of the prisoner's words with the justice, and since the time when the witness had first seen him in the morning; that at the time of such examination the prisoner was dressed in the same clothes which he had on at the time of the trial, and that on the witness charging him with having changed his clothes, he gave several shuffling answers, and would have denied it; that upon the witness having mentioned this circumstance of the change of dress, the justice granted a warrant to search the prisoner's house for the clothes described by the witness as having been put off since the morning; that the witness attended and assisted at the search, and after a nice inquiry for two hours and up-

wards, the very clothes which the witness had described were discovered concealed in a straw bed. He then produced the bloody clothes in court, which the prisoner owned to be his clothes, and to have been thrust into the straw bed with an intention to conceal them, on account of their being bloody.

"The prisoner also waived asking the second witness any question.

"A third witness deposed to his having heard the prisoner deliver certain accusations against the deceased, from whence the prosecutor intended to infer a proof of malice premeditated. In answer to which, the prisoner proposed certain questions to the court, leading to a discovery of the occasion of the menacing expressions deposed to, and from the witness's answer to those questions, it appeared that the deceased had first menaced the prisoner.

"The prisoner being called upon to make his defence, addressed the following narrative to the court, as containing all he knew concerning the manner and circumstances of the death of the deceased, viz.:

"That he rented a close in the same parish with the deceased, and that the deceased rented another close adjoining to it. That the only way to his own close was through that of the deceased, and that on the day the murder on the indictment was said to be committed, he rose early in the morning, in order to go to work in his close, with his fork in his hand, and passing through the deceased's ground, he observed a man at some distance from the path, lying down as if dead or drunk; that he thought himself bound, to see what condition the person was in, and upon getting up to him he found him at the last extremity, with two wounds in his breast, from which a great deal of blood had issued; that in order to relieve him he raised him up, and with great difficulty set him in his lap; that he told the deceased he was greatly concerned at his unhappy fate, and the more so as there seemed to be too much reason to apprehend that he had been murdered; that he treated the deceased to discover, if possible, the occasion of his misfortune, assuring him he would use his utmost endeavors to do justice to his sufferings; that the deceased seemed to be sensible of what he said, and in the midst of his agonies attempted, as he thought, to speak to him, but being seized with a rattling in his throat, after a hard struggle, he gave a dreadful groan, and vomiting a great deal of blood, some of which fell on his (the prisoner's) clothes, he expired in his arms; that the shock he felt on account of the accident was not to be expressed, and the rather, as it was well known that there had been a difference between the deceased and himself, on which account he might possibly be suspected of the murder; that he therefore thought it advisable to leave the deceased in the condition he was, and to take no further notice of the matter; that in the confusion he was in when he left the place, he took away the deceased's fork; and left his own in the room of it, by the side of the corpse; that being obliged to go to his work, he thought it best to shift his clothes, and that they might not be seen, he confessed that he had hid them in the place where they were found; that it was true he had denied before the justice that he had changed his clothes, being conscious that this was an ugly circumstance that might be urged against him, and being unwilling to be brought into trouble if he could help it; and concluded his story with a solemn declaration that he had related nothing but the truth, without adding or diminishing one tittle, as he should answer it to God Almighty. Being then called on to produce his witnesses, the prisoner answered with a steady, composed countenance, and resolution of voice, 'He had no witness but God and his own conscience.'

"The judge then proceeded to deliver his charge, in which he pathetically enlarged on the heinousness of the crime, and laid great stress on the force of the evidence, which, although circumstantial only, he declared he thought to be irresistible, and little inferior to the most positive proof; that the prisoner had indeed cooked up a very plausible story, but if such, or the like allegations, were to be admitted, in a case of this kind, no murderer would ever be brought to justice, such bloody deeds being generally perpetrated in the dark, and with the greatest secrecy; that the present case was exempted, in his opinion, from all possibility of doubt, and that they ought not to hesitate one moment about finding the prisoner guilty.

"The foreman begged of his lordship, as this was a case of life and death, that the jury might be at liberty to withdraw, and upon this motion, an officer was sworn to keep the jury.

"The trial came on the first in the morning, and the judge having sat till 9 at night, expecting the return of the jury, at last sent an officer to inquire if they were agreed in their verdict, and to signify to them that his lordship would wait no longer for them. Some of them returned for answer that eleven of their body had been of the same mind from the first, but it was their misfortune to have seen him in the morning; that at the time of such examination the prisoner was dressed in the same clothes which he had on at the time of the trial, and that on the witness charging him with having changed his clothes, he gave several shuffling answers, and would have denied it; that upon the witness having mentioned this circumstance of the change of dress, the justice granted a warrant to search the prisoner's house for the clothes described by the witness as having been put off since the morning; that the witness attended and assisted at the search, and after a nice inquiry for two hours and up-

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"The prisoner being called upon to make his defence, addressed the following narrative to the court, as containing all he knew concerning the manner and circumstances of the death of the deceased, viz.:

"That he rented a close in the same parish with the deceased, and that the deceased rented another close adjoining to it. That the only way to his own close was through that of the deceased, and that on the day the murder on the indictment was said to be committed, he rose early in the morning, in order to go to work in his close, with his fork in his hand, and passing through the deceased's ground, he observed a man at some distance from the path, lying down as if dead or drunk; that he thought himself bound, to see what condition the person was in, and upon getting up to him he found him at the last extremity, with two wounds in his breast, from which a great deal of blood had issued; that in order to relieve him he raised him up, and with great difficulty set him in his lap; that he told the deceased he was greatly concerned at his unhappy fate, and the more so as there seemed to be too much reason to apprehend that he had been murdered; that he treated the deceased to discover, if possible, the occasion of his misfortune, assuring him he would use his utmost endeavors to do justice to his sufferings; that the deceased seemed to be sensible of what he said, and in the midst of his agonies attempted, as he thought, to speak to him, but being seized with a rattling in his throat, after a hard struggle, he gave a dreadful groan, and vomiting a great deal of blood, some of which fell on his (the prisoner's) clothes, he expired in his arms; that the shock he felt on account of the accident was not to be expressed, and the rather, as it was well known that there had been a difference between the deceased and himself, on which account he might possibly be suspected of the murder; that he therefore thought it advisable to leave the deceased in the condition he was, and to take no further notice of the matter; that in the confusion he was in when he left the place, he took away the deceased's fork; and left his own in the room of it, by the side of the corpse; that being obliged to go to his work, he thought it best to shift his clothes, and that they might not be seen, he confessed that he had hid them in the place where they were found; that it was true he had denied before the justice that he had changed his clothes, being conscious that this was an ugly circumstance that might be urged against him, and being unwilling to be brought into trouble if he could help it; and concluded his story with a solemn declaration that he had related nothing but the truth, without adding or diminishing one tittle, as he should answer it to God Almighty. Being then called on to produce his witnesses, the prisoner answered with a steady, composed countenance, and resolution of voice, 'He had no witness but God and his own conscience.'

"The judge then proceeded to deliver his charge, in which he pathetically enlarged on the heinousness of the crime, and laid great stress on the force of the evidence, which, although circumstantial only, he declared he thought to be irresistible, and little inferior to the most positive proof; that the prisoner had indeed cooked up a very plausible story, but if such, or the like allegations, were to be admitted, in a case of this kind, no murderer would ever be brought to justice, such bloody deeds being generally perpetrated in the dark, and with the greatest secrecy; that the present case was exempted, in his opinion, from all possibility of doubt, and that they ought not to hesitate one moment about finding the prisoner guilty.

"The foreman begged of his lordship, as this was a case of life and death, that the jury might be at liberty to withdraw, and upon this motion, an officer was sworn to keep the jury.

"The trial came on the first in the morning, and the judge having sat till 9 at night, expecting the return of the jury, at last sent an officer to inquire if they were agreed in their verdict, and to signify to them that his lordship would wait no longer for them. Some of them returned for answer that eleven of their body had been of the same mind from the first, but it was their misfortune to have seen him in the morning; that at the time of such examination the prisoner was dressed in the same clothes which he had on at the time of the trial, and that on the witness charging him with having changed his clothes, he gave several shuffling answers, and would have denied it; that upon the witness having mentioned this circumstance of the change of dress, the justice granted a warrant to search the prisoner's house for the clothes described by the witness as having been put off since the morning; that the witness attended and assisted at the search, and after a nice inquiry for two hours and up-

A SOLDIER'S ESTIMATE OF GLORY.

SIR CHARLES NAPOLEON, so distinguished for his military services in India, on receiving despatches from the English government making him governor of Sicily with additional pay, and ordering a triumphal column to be erected from the gulf he had captured, wrote, "I wish the government would let me go back to my wife and girls; it would be more to me than pay, glory, and honor."

"This is glory, is it? Yes. Nine princes have surrendered their crowns to me on the field of battle, and their kingdoms have been conquered by me and attached to my own country. Well, Well, all the glory that can be desired is mine, and I care so little for it, that the moment that I can, I shall be resigned to live quietly with my wife and girls, not honor or riches repay me for my absence from them. Otherwise this sort of life is life to me, agreeable, as it may enable me to do good to these poor people. Oh, if I could do any good to these poor people where so much blood has been shed by this accursed war, I shall be happy. May I never see another sight of—Horrid, horrid war!"

COOKING A HUSBAND.

MANY of our married lady readers are not aware how a good husband ought to be cooked so as to make a good dish of him. We have lately seen a recipe in an English paper, contrived by one "Mary," which points out the *modus operandi* of preparing and cooking a husband. Mary states that many good husbands are spoiled in cooking. Some women go about it as if their lords were bladders, and "blow them up." Others keep them constantly in hot water, while others freeze them by conjugal coldness. Some mother them in the hottest bath of condescension and variance, and keep them in pickle all their lives. These women always serve them up in sauce. Now it cannot be supposed that husband and wife are to be married, and married in this way, but they are on the contrary, quite different when preserved. Mary points out the manner thus:—"Get a jar, called the jar of cheerfulness, (which, by the by, all good wives have at hand). Being placed in it, set him near the fire of conjugal love, let the fire be pretty hot, and the heat constant and regular. Cover him over with quantities of affection, kindness and subjection. Keep plenty of those things by you and be very attentive to supply the place of any that may waste by evaporation, or any other cause. Garnish with modesty, becoming familiarity, and innocent pleasantry, and if you add kisses or other confessions, accompany them with a sufficient secrecy; and it would not be amiss to add a little prudence and moderation."

A WONDERFUL CASE IN SURGERY.

PROFESSOR BESCH, superintendent of the hospital of Bonn in Germany, communicates to the medical journals the history of a case almost as remarkable as that of the famous St. Martin, who has been living so many years with a hole in his stomach, allowing people to look in and see the process of digestion going on inside. A woman was brought to the hospital of Bonn, who had been pined some time previously by a cure, wounding her in the abdomen. The injury resulted in a fistulous opening through the walls of the abdomen into the upper third of the small intestine. The result was that as soon as the woman commenced to eat, the food would begin to run out of the opening, and though her appetite was ravenous, she had become very much emaciated when she was admitted to the hospital. Dr. Besch tried the plan of injecting soap through the opening directly into the intestine, even covering in little pieces of meat and bread with his finger. Under this odd mode of feeding, the patient thrived and gained flesh rapidly. Of course, Professor Besch seized this opportunity to make a series of physiological investigations, which have proved to be very interesting.

The fact of greatest practical value observed, was that the gastric and other secretions in much greater abundance when several kinds of food are taken into the stomach, than where a meal is made of a single article. This confirms the latest conclusions of other physiologists, and is useful knowledge as a guide to action. Dyspeptics can commit to greater blunder than to confine themselves to a very few articles of diet. It is best for us all to eat a variety of food at each meal.

A TRUE HERO.

JOHN MAYNARD was well known in the Lake district as an honest, intelligent man. He was a pilot on a steamer from Detroit to Buffalo one summer afternoon. At that time, those steamers seldom carried boats. Smoke was seen ascending from below, and the captain called out, "Stimpson, go down and see what that smoke is." Stimpson came up, with his face pale as ashes, and said, "Captain, the ship is on fire!" Then, "Fire! fire! fire on ship board!" Alarms were called up. Black jets of water were dashed upon the fire, but in vain. There were large quantities of resin and tar on board, and it was useless

OLD SAYS NEWSET.

The Boston Post gives the following: Fortune knocks once at least at every man's door. If ever he knocked at ours, it was when we were out.

Every man is the son of his own work. That accounts for the existence of so many shabby folks. Their uncles are in the legislature. One had just come of another.

Better wear out shoes than sheets. The reason of this saw is not quite apparent. The reverse would seem to be the fact—since cotton is cheaper than leather.

A weaver is a fool's argument.—Yes; but a good argument to answer a fool with. "Answer a fool according to his folly."

Sweet are the slumbers of the virtuous. That's so. We have tried it.

Uppassant men live knaves and die beggars.—Worse than that, they sometimes live beggars and die knaves.

There is no general rule without exceptions.—Then there are exceptions to the above rule. Therefore, there are general rules without exceptions. Logic is logic, that's all I say.

The cure of luxury is poverty.—Most people would prefer the disease to the remedy.

Miscellaneous.

The *Herald's* Washington dispatch states, intelligence from a reliable source, says, a residence for the Pope is to be prepared at Brussels.

The ratification of the new Grenadian treaty is to take place at Washington to-day.

Hon. W. Bates—Montpelier, Vt., Nov. 2.—Hon. W. Bates, late State Treasurer, is ascertained to be a defaulter to the State to a large amount. Reliable authority puts the amount from thirty to forty thousand dollars, and it may exceed that. Measures of security were taken last night, by attaching the property of his bonds men.

DEFALCATION.—Burlington, Nov. 2.—Hon. W. M. Bates, the defuncting State Treasurer, absconded from Northfield last night, and has fled to Canada. The amount of his defalcation as far as ascertained, is \$2,000 dollars, and it is expected that further disclosures will increase the amount.

Two mammoth coral trees have recently been discovered near Esquimaux, on Vancouver's Island. One of these mammoths of the forest measures 13 feet in diameter, or about 40 feet in circumference; the other, 15 feet, and about 45 in circumference; with a height of about 200 feet.

A Wisconsin boy has made a clock, entirely of pine, except the cog, which was hickory, and the only tool he used was a jack knife. Besides doing the ordinary duties of a clock, it denotes the day of the week and month.

The French One.—It is stated in the English papers that the Royal Commissioners on the Defence of the country, in their report to Parliament, recommend certain works of coast fortification, involving an outlay of \$11,550,000, within four years. England is still suspicious of its old adversary and recently ally.

While the census taker was collecting his statistics in Searsport, Me., he found a girl 13 years old, who was the mother of a child of ten months.

It is estimated that the reception of His Royal Highness the Prince of Wales will cost the Provincial Government of the Canadas no less a sum than \$1,000,000, independent of the vast amounts spent by the different towns.

Nearly 1,000 men are now employed in the Brooklyn (N. Y.) navy yard.

VARIETY THE SPECT OF LIFE.—A correspondent of the *Milwaukee Sentinel*, writes,—"A former banker from Leavenworth is now in the mines, engaged in selling piast. He was a deacon in one of the Presbyterian churches in Eastern Kansas, but, as recently, on Sunday, last, was on the Republican Union; I encountered an ex-Confederate lawyer, and an actress from the New York Bowery Theatre, natives of London, and engaged in a large scale of speculation on the stock market."